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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,150	12/21/2001	Soichi Nagano	1163-0383P	6523

2292 7590 08/05/2005

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EXAMINER

KNEPPER, DAVID D

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/024,150	Applicant(s) NAGANO ET AL.	
	Examiner David D. Knepper	Art Unit 2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1 sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's correspondence filed on 21 Dec 2001 (including an IDS) has been received and considered. Claims 1-12 are pending.

Priority Claims

2. The applicant(s) should check their filing receipts and/or the Patent Application Information Retrieval (PAIR) system for the acknowledgment of their **domestic** priority or benefit claims (if any) under 35 USC 119(e), 120 or 121 (37 CFR 1.78).

Claims

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. § 103 as being unpatentable over Peters (6,018,337) in view of Okada (5,809,454) and Lee (Time Compression and Expansion of Speech by the Sampling Method).

As per claim 1, "sound reproduction" is taught by Peters with his media composer (see title):

“detecting a key operation for fast forward/reverse” (his adjust the speed of the player in either a forward or reverse direction, col. 1, lines 24-25 using a three-button system, col. 1, line 32);

“decoding a specified reproduced frame number of frames and for skipping a specified skipped frame number of frames in the audio data during the fast forward/reverse” (suggested by his ability to adjust the threshold and maximum speeds...allows the user or designer to customize the ‘feel’ of the workstation, col. 5, lines 29-37 – see Okada, col. 7, lines 2-10 where frame memory 34 supplies one frame of audio signals, already stored in the A area, to the voice speed converter and his Voice Speed conversion In Fast Playback Mode in col. 7-8 – details for skipping or discarding frames is suggested by Lee on pages 740-741);

“providing said specified reproduced frame number decoding section with the specified reproduced frame number for the fast forward/reverse” (his system teaches that he may include editing operations... displayed in a outline format in the timeline display, col. 3, lines 49-52 indicating that typical timeline displays such as his timeline position indicator 30, fig. 1 can be used to locate and identify the proper frame for editing in combination with forward/reverse playback); and

“providing said specified reproduced frame number decoding section with the specified skipped frame number” (his system teaches that he may include editing operations... displayed in a outline format in the timeline display, col. 3, lines 49-52 indicating that typical timeline displays such as his timeline position indicator 30, fig. 1 can be used to locate and identify the proper frame for editing in combination with forward/reverse playback).

It is noted that Peters does not explicitly teach the details for performing fast forward/reverse by manipulating “frames”. However, he teaches that the use of fast forward/reverse is so notoriously well known that the use of a shuttle knob, buttons or a mouse to provide a plethora of options for playback are all well known combinations of the same general idea (see column 1). Peters similarly does not teach any particular format for the video or audio portions but clearly teaches that both are equally well known compositions, in combination or alone (see column 3, lines 1-9). Okada teaches details relating to MPEG audio/video standards (col. 1-2) which is a well known frame based compression that will allow multiplexing one or both for transmission or storage. The details for calculating discard intervals is taught by Lee. Lee teaches that older methods for speeding up or slowing down analog playback may be performed using digital techniques on pages 740-741 as noted above. It would have been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made, to store audio for playback as taught by Peters using a frame based compression such as the well-known MPEG standards developed for that purpose as taught by Okada and it would be especially obvious to calculate discard portions of the stored audio as claimed because Lee teaches that such a method was well known over 30 years ago that be much easier to implement using digital equipment (i.e. – modern computers) to provide sound reproduction rather than analog devices which required the use of multiple tape heads as fairly taught by Lee.

Claims 2-12 are variations that rely on notoriously well known controls. See, for example, the keypress taught by Peters in col. 1 noted above. The “depression duration” of claim 8 is an obvious functional equivalent of the multiple keypresses taught by Peters to achieve the same result because pressing the key more than once causes it to be effectively pressed for a

longer duration. This result is similarly taught by Peters' alternative shuttle and jog controls using a knob or a mouse which requires time, duration, distance and/or angle measures to calculate the relative speed change desired by the user.

NOTE: In addition to the obviousness argument above, the Examiner takes Official Notice that measuring the duration of a keypress to vary the effect (i.e. – speed) proportionally to such a duration is well known in order to address the possibility that the applicant would draft narrower claims in this regard. The applicant is urged to acknowledge that this is a feature that would have been well known to one of ordinary skill in the art in order to swiftly further prosecution.

Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kitamura (4,301,480) and Schiffman (4,301,480) is cited to show that it is well known to vary the speed of playback using digital methods which improve upon previous analog technology.

Furuta (4,389,685) is cited to show that it is well known to detect cue signals in signals that can be played at variable speeds.

Yahagi (5,717,534 and 5,926,332) shows that variations in speed may be easily made using manual controls such as the depression of mechanical switches or the movement jog wheels.

6. Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
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Fax phone number for Group 2600 is (703) 872-9306

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (571) 272-7607. The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

For the Group 2600 receptionist or customer service call (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by email at ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.



David D. Knepper
Primary Examiner
Art Unit 2654
August 1, 2005